



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

of Mr. Turner, because we have no doubt of his excellence in what this author almost exclusively commends him for ; we differ as to the possible value of such works only when compared with those executed in more solid materials. Of his earlier oil paintings we have already expressed our admiration ; of his later ones we have nothing to say, because they are to us totally incomprehensible. They represent to our minds nothing in nature actually or conventionally. It would be easy to describe them as ridiculous ; but if they are errors, they are those of genius, and the ridicule more properly belongs to those who encourage by pretending to understand and admire them.

---

ART. V. — *Prison Discipline in America.* By FRANCIS C. GRAY. Boston : Little & Brown. 1847. 8vo. pp. 203.

PRISON discipline has been so carefully studied, during the past fifty years, and so many experiments in it have been made, both in Europe and this country, their results being diligently watched and published, that its general principles ought, by this time, to be well known and established. Most of them are so ; a great body of facts has been collected, and most of the conclusions drawn from them now command universal assent. If doubt and controversy still exist upon a few points, it is because individuals who have labored long and earnestly in the cause have allowed their feelings to become unduly excited in favor of their respective plans, and have been unwilling to see them set aside by rival systems productive of equally good or better results. The hardest task of a reformer is to give up his own favorite plan of reform, and to cooperate heartily with those who perhaps have entered into the work at a later hour, and have shown less zeal and energy in it than himself, but who, either by greater sagacity, more exact observation, or mere good luck, have hit upon more effective means of attaining the great object which all have in view. Your zealous philanthropist is usually the most unpersuadable man in the community ; he has

more benevolence than prudence, more love than logic. He is very good at discerning the extent and enormity of an evil, and very eloquent in proclaiming them to the public ; but he is not always equally happy in devising a remedy. He who has the best lungs for giving the alarm that the house is on fire is not always the most efficient hand at putting it out. We are sorry, but not surprised, to see philanthropists quarrelling with each other ; nothing else could be expected from persons of their temperament.

But in this matter of prison discipline, it is high time for the dispute to be stopped. The mere philanthropists, with their warm hearts and hot tempers, have done their work in it, by fully exposing the enormous, the now almost incredible, evils which did exist in prisons five-and-twenty years ago, by dragging them out to the light and to public abhorrence, by exciting an almost universal interest in the subject, and by causing experiments to be instituted, and plans for alleviating the miseries of prisons to be tried, in every civilized country on the face of the globe. Perhaps they have even drawn to the matter a disproportionate share of attention, have reformed prisons while they neglected almshouses, have excited more public sympathy for the criminal than the pauper. No matter ; the subject has not received more notice than it deserves, and we hope they will next consider the cause of the poor. When the Congress which meets at Frankfort and Brussels shall have ended their discussions about providing the interior of prisons with suitable gardens and flowers and fountains, about the best mode of ventilating the cells, and of furnishing the prisoners with savory and nutritious diet, and the means of secular and religious instruction for every day in the week, they will doubtless begin to think of the condition of the peasantry and the manufacturing poor in their respective countries, of the propriety of building cabins for them which shall be as comfortable as a well-warmed, well-lighted, and well-ventilated cell, and of giving them food which shall be more wholesome and nourishing than “ pres-sagh ” and lumper potatoes. The question, whether wooden or iron bedsteads are most conducive to the health of the convicts, is an important one, and might be discussed with some reference to the Irish poor, who usually have no bedsteads at all, but sleep in the mud.

The projectors of the prison reform having played their

part manfully and well, it is time for them to step aside, and give place to cool, shrewd, and practical men, who will adjust the details and perfect the system. Pathos and eloquence are out of place here ; we want nothing but good common sense, some skill in arithmetic, and a little inductive philosophy. Materials enough have been collected to settle the doubts and end the controversy. These materials are facts, collected in the course of many years' experiments in a great number of prisons, duly registered and tabulated, and pointing so obviously to certain conclusions, that the inferences may be drawn by a child. The field of controversy, as we have intimated, has now become very narrow ; the light of experience has definitively settled many questions relating to prison discipline which were formerly debated with much heat. It is now admitted, on all hands, that the prisoners should be kindly treated, well fed, and strictly guarded, should be taught and required to work industriously at useful trades, should have some moral and religious instruction, should be rigidly separated from each other by night, and that their intercourse by day should be so watched and restricted that they should have no power to contaminate one another, or to strengthen themselves by corrupt or idle conversation in their evil courses. The only question that remains, and it is a grave one, is, whether they should work together, or in sight of each other, during the daytime, — as in large workshops or other places, but always under strict rules and supervision, — or whether they should be confined by day, as well as by night, each to his separate cell, and work there in solitude broken only by occasional visits from the turnkey, the inspector, or the chaplain. Here is absolutely the whole question, — Social or solitary labor by day, which is the better ?

Now we have facts enough to answer even this question, if we could only get at them, have them well arranged, clearly stated, and so completely winnowed from the effects of extraneous causes, that they shall bear on this point alone. In this country we have had excellent prisons, conducted on both these plans, for at least seventeen years ; and the results ought to show, either that one should be decidedly preferred to the other, or that the two are almost equally good, so that the question of preference between them is an idle one, and may well be dismissed entirely. Unluckily,

collateral issues have been brought in, local jealousies excited, the zeal of rival associations roused, the honor of having first introduced a successful system of prison discipline is disputed, and the merits of the question really at issue have been covered up in the confusion of a guerilla warfare. The question actually mooted has been, not whether solitary or social labor by day is preferable, but whether the Pennsylvania plan is properly called one of solitary or separate imprisonment,—whether the Philadelphia prison is better than that at Auburn, or that in Charlestown,—whether the total silence of the prisoners is a necessary feature of the Auburn plan,—whether the lash ought ever to be used,—whether the course pursued by the Boston Prison Discipline Society has been fanatical or liberal, wise or foolish,—and a dozen other questions which we have no patience to enumerate. In a discussion of this kind, there is certainly but little chance that truth will ever be elicited, or any addition made to the stock of established principles in the science of prison discipline.

It is a fortunate circumstance, then, that a cautious inquirer, like Mr. Gray, cool, methodical, and rigid in his habits of investigation, a chaste writer and an excellent logician, has undertaken to eliminate all these false issues, and to ascertain “what plan of prison discipline appears, from the evidence now before us, to be best adapted to our present wants and condition.” He shows no enthusiasm, and indulges in no flights of rhetoric; that he is deeply interested in the subject appears only from a consideration of the time and labor that he must have given to the preparation of this volume. Above all, he has not engaged in the discussion with the eagerness and intemperate spirit of a partisan, occupied not so much in sifting the evidence as in casting reproach on the motives and conduct of those who differ from him in opinion. On the contrary, he is singularly mild and temperate in his expressions, uses no strong epithets, and utters not a word of blame, even when the facts exposed by him seem to require indignant comment. Prison discipline he considers as a science, and he has entered into a patient examination of the questions that it offers as if they were so many problems in physics or natural history. He is an inveterate collector of facts, and an inexorable logician. Sentiment and declamation, therefore, find no place in his

pages, and he even laughs at arguments “professedly founded on the principles of the human mind and the nature of things, and other such ‘branches of learning’ as are usually resorted to only for want of better reasons, and less frequently used to aid us in forming opinions than in defending opinions already adopted.” It is no small addition to this praise, to say that his book is written in excellent English, terse, succinct, and forcible, and with great purity and simplicity of diction.

A great merit of the work, though it is nowhere paraded or boasted of, consists in the extreme caution and watchfulness with which the facts have been brought together, and the evidence sifted. In this respect, we do not hesitate to call it the most trustworthy book on prison discipline which has ever appeared in this country ; and we know of no European treatise which can be considered as its superior. He must be a bold man who will impugn any of Mr. Gray’s statements ; they are never taken at second hand, and the original sources being always indicated, the task of verifying them is not difficult. We have traced a considerable portion of them to the authorities cited, the printed reports of the prison officers and Parliamentary documents, and ceased the examination only when satisfied that it was needless. Testimony has seldom been more carefully scrutinized and weighed in a court of justice than in this volume. Yet the author speaks thus modestly on the point : —

“It would be presumptuous to assert that there are no mistakes in this pamphlet. But it is enough for my purpose, if there are none which affect materially its arguments or its conclusions.”

This remark is important ; for the correctness of certain statistical tables relating to prisons, and the validity of the conclusions founded upon them, have been denied on account of some trivial errors of the press or the pen, the misplacing of a single figure, or a slight mistake in the addition of a column of units, though it was apparent on the face of the matter that these errors did not at all affect the general inference. Figures are seldom printed in a statistical work with as much correctness as in the *Nautical Almanac* ; nor is it necessary that they should be ; for in the latter case, the substitution, in but a single instance, of a 9 for a 7 might occasion the wreck of a ship and the loss of many valuable lives ; while in the

former, as statistical reasoning proceeds by a series of means or averages, and is therefore confessedly but an approximation to the truth, the mistake of a figure or two in the body of the tables is generally of no importance ; in the body of the tables, we say, for of course the arithmetical processes, the striking of the average, must be strictly correct. We do not believe that this remark is needed to shield Mr. Gray's tables even from hypercriticism ; but it is very certain that there are no errors in them which will vitiate his reasoning in the slightest degree.

Considering this scientific examination of the subject, which Mr. Gray has executed with so much care and ability, to be of great value, for the purpose both of giving information to those who have not made a particular study of prison discipline, and of ending controversy among those who have, we shall endeavour to give as full a view as our limits will permit of the facts and arguments adduced by him, with the few additional illustrations of the principles involved that we have derived from the perusal of his volume and of many of his original authorities. For the greater part of what follows the reader will consider himself indebted to Mr. Gray, though he is not responsible, of course, for the correctness of any assertion unless it appears as a direct citation from his book.

The objects of prison discipline are twofold, — the protection of society, and the reformation of the criminal. Different opinions are entertained of the relative importance of these two ends ; the zealous philanthropy of most of those persons who have given great attention to the subject has led them, we think, to overrate the importance of the latter, or, at any rate, to spend more thought upon it than upon the general interests of the community. Society is not bound to reform the convict *for his own sake* ; no one who has committed a grave offence against his fellow-beings can call upon them, not merely to support him, but to find a cure for his hardness of heart and habits of self-indulgence which have betrayed him into sin. At any rate, the claims of the virtuous poor for a comfortable maintenance and all the means of secular and religious instruction are vastly preferable to his ; not till these are fully satisfied can the petition of the guilty be granted. But society does undertake, from a regard to its own interests, to draw evil-doers out of the abyss of wick-

edness and infamy into which they have plunged by their own act. Reformation is secondary, then ; the prevention of crime is the first object of prison discipline. We are not speaking, however, of the duties of individuals ; of course, the obligation of Christian benevolence is incumbent upon all, and towards all, — the thief and the murderer no less than our honest fellow-man. We speak only of the duties of the state, an association organized for limited purposes, among which is the institution of a proper system of prison discipline, by which alone society can be protected against crime.

Now, before we ask what are the most effectual means to this end, there is a preliminary question to be answered which covers the whole of our present subject. Society has a right to protect itself, yet not by the exercise of undue severity, — certainly not by a sacrifice of reason or life, unless all other means fail. The most unflinching advocate of the rights of the community will not favor the introduction of Draco's code, the immediate punishment of all offences by death. So, too, the reason or the life of the convict is not to be exposed to any hazard which can possibly be avoided ; what we are not authorized to take away we have no right to endanger. The offender is sentenced by due course of law to imprisonment, either for a limited term of years, or for life ; imprison him, then, but do not put him to death, do not drive him mad. If you shorten his life, or expose it to considerable hazard, it is the same thing as if he were sentenced to be hanged with a respite of execution, or with a chance of escape provided the rope broke. The law does not sanction this severity ; reason, humanity, common justice, cries out against it. Above all, you have no right to expose him to the awful peril of insanity, which is worse than death. The savage tortured his victim by hot pincers and fiery arrows, the Inquisition doomed him to the rack and the stake ; but neither the barbarian nor the bigot, with all their fiendish refinements in cruelty, ever invented a punishment so horrid as the privation of reason. If any one thinks this language is too strong, let him visit a madhouse.

The vilest criminal, who is sentenced only to confinement, has as good a right to require that society should not expose his sanity or his life to hazard, as the most virtuous member of the community. His safety in these respects, indeed, is



to be watched over with even greater care than if he were a freeman unspotted by crime. The reason is obvious ; those who are at liberty are bound to take care of themselves ; if they fall into peril, it is their own fault or their misfortune ; society is not accountable for what it seeks not to control. But with the prisoner it is far different ; the iron grasp of the law is upon him, and he is as helpless for himself as an infant. Thick walls and iron grates surround him ; his food is selected and weighed out to him ; his allowance of light, air, and warmth is determined ; his hours for sleep, labor, and idleness are fixed ; his dress, his exercise, his habits in every respect, are under the constant and irresistible control of his keepers. He is like clay in the hands of the potter. Society has all power over him, and therefore accepts all the responsibility ; the issues of life or death, if we may so speak with reverence, of sanity or insanity, are in its hands.

Hence, we may observe in passing, comes the attractiveness of this subject of prison discipline for many worthy theorists and speculative reformers. Prisoners are capital subjects for experiment, for they are not allowed to have any will of their own. Every thing is done for them upon a system ; they are fed, lodged, dressed, taught, employed, punished, and rewarded upon theory ; and all without regard to expense, as the state pays the bills. The interior of a prison is a grand theatre for the trial of all new plans in hygiene and education, in physical and moral reform ; the convict is surrendered, body and soul, to be experimented upon. Hence the zeal and pertinacity with which discussions of this matter are conducted, and the strange manner in which abstract speculation has been allowed to predominate over the evidence of facts, though prison discipline should be one of the most practical of all subjects. Those theory-loving nations, the French and the Germans, have been debating upon it these ten years, and do not seem to have arrived at a conclusion yet. Meanwhile, America and England have been steadily making experiments in it, and it is time that we should profit by their results.

We consider, therefore, that Mr. Gray is right in looking upon this subject almost exclusively under the light of experience, and in making the question respecting the comparative effects of the two systems upon the bodily and mental health of the prisoners paramount to all others. It deserves

the first and the chief place, for it is a matter of justice and humanity, while the other questions, as we have seen, relate solely to points of expediency, or to the means of guarding the community from anxiety and harm. Save the life and the reason of the convict first, and you may talk about reforming him and protecting society against crime afterwards. Nearly all the evidence adduced by Mr. Gray bears upon this point, and his remarks upon other topics connected with prison discipline, though curious and important, as they always evince great sagacity and good-sense, are mostly incidental. On the main question, the evidence he has brought forward seems absolutely decisive ; we see not how its effect can be evaded or withstood, even by those whose previous opinions leaned to the opposite side.

The question is simply, whether the system either of solitary or of social labor by day affects so injuriously the health of the convicts who are exposed to it, that any continuance of it in practice is inhuman and unjust. Now there cannot be a better mode of answering this question, than by comparing the returns of the two prisons in which, by the confession of all parties, these systems have respectively been carried out in the most satisfactory manner and for the longest time. The two prisons selected for this purpose are the one at Philadelphia and the one in Charlestown, Massachusetts, this selection being made for the following reasons : —

“ 1. Because they may be regarded as the model prisons here of their respective systems, or certainly inferior to none ; and the experience of those where any material abuse is known or suspected to exist would have little weight ; and is in truth of little worth, since it is rarely possible to distinguish the effects of a system itself from those of its maladministration.

“ 2. Because they resemble each other in other respects more than any other two prisons in America, which in this respect differ ; as for example in the period during which they have been in full practical operation, that is, since 1829 ; — in the number of their white prisoners ; — in the mildness of their punishments, and generally in the benevolent spirit in which they have been administered ; — and in the important particulars, that both are near large cities, in which the average rates of mortality at large, and, so far as I have been able to learn, the proportions of insane in the whole population, are not materially different ; — that both are governed by intelligent and able officers,

who command the public confidence ; — that both are under the watchful observation of friendly societies, anxious to contribute by all possible means to their improvement ; — and that both are within the view of large, enlightened, and benevolent communities, who, upon the slightest suspicion, would be prompt, no doubt, to investigate and correct every abuse without fear or favor.” — pp. 61, 62.

As to the comparative health enjoyed by the inmates of these two prisons, Mr. Gray remarks, — “ The only mode hitherto known for ascertaining the proportion of deaths or insane cases to the whole number of persons anywhere is to compare the actual returns for a series of years. The opinions of the most learned and experienced are of no avail here ; for those opinions must be founded on the same facts, and the facts themselves are better evidence than the opinions.” For the benefit of those who are not always capable of distinguishing statements of facts from those of opinions, we will quote another of our author’s pungent remarks. “ The confident and sweeping statements so often made on the subject, such as that this or that system is shown by experience not to be injurious to health, or to be better than all others, &c., though made in the form of assertions of fact, are nothing but mere expressions of opinion ; and when not accompanied by the evidence and arguments on which they rest, are of little value in discussions of this nature.”

Full tables are presented by Mr. Gray of the deaths in each of the two prisons for ten years past, — the whole average number of prisoners, distinguishing the whites from the blacks, being given for each year, and the deaths of the whites appearing in a separate column from those of the blacks in the case of the Philadelphia prison, though not in that at Charlestown, as the records of the latter prison do not furnish the means for making this distinction. The accuracy of these tables is beyond question ; we cannot copy them at length, but we give the following remarks of Mr. Gray on the results which they furnish.

“ It has been not uncommon here and elsewhere to insist, that no comparison whatever should be instituted between the Eastern Penitentiary at Philadelphia and any other prison, on the ground, that the greater number of blacks there rendered any such comparison impossible ; and it has often been attempted,

under the shelter of this general allegation, to escape from the terrors of the truth. But they are not to be escaped from thus. We will compare the mingled population of whites and blacks together in the prison at Charlestown with the whites alone in that of Philadelphia. The difference is apparent at a glance. In the former it is 1.19 *per cent.*, in the latter 2.18 *per cent.* Or, to make it more intelligible to readers in general, who do not readily comprehend these per centages and fractions of a man's life, where 119 prisoners die in Charlestown prison, no less than 218 white prisoners die in that of Philadelphia; an immense difference. But may it not be occasioned by the diversity of soil or climate or temperature? Perhaps so; let us inquire. The influence of these causes, and of all other causes whatsoever not belonging to the prisons themselves, must operate as well without as within them, and affect the whole community no less than the inmates of the prison. What, then, is the fact? The deaths among the white inhabitants of Philadelphia are, as has been stated, 2.42 *per cent.* In Boston, the deaths, since 1830, are on an average 2.09 *per cent.*, a difference indeed, but by no means sufficient to explain the difference in the prisons; and leaving still a vast residuum to be accounted for. It has been urged, however, that there is a difference in the length of the sentences. This is true. But the difference is in favor of Philadelphia, as the sentences are shorter there than here, and the influence of this cause, therefore, should make the mortality in their prison less than that in ours, instead of more.

"Again, it has been alleged, that the health of the prisoners in Philadelphia is at least as good as that of the community around, the mortality being less within than without the prison, since the mortality in the city is 2.42 *per cent.*, while in the prison it is only 2.18 *per cent.* But this is not so. The mortality is not less within than without the prison, because such is the result of the tables. The greatest proportion of deaths, that which raises the average so high in the general bills of mortality, takes place in infancy and childhood. But the inmates of both these prisons are more than three fourths of them under forty years of age, in the full maturity and vigor of life. There are none in childhood, and scarcely any in old age. Let the mortality among them be compared with that of those of the same age in the community, and mark the result. For want of direct tables for Philadelphia, let the deaths in Boston be taken on the average since 1830, between the ages of 15 and 60 years, and allowing for the difference above stated between the whole number of deaths in Boston and Philadelphia, the result will be that in Philadelphia, the deaths between those ages are 1.47 *per cent.* That

is, where 147 persons between 15 and 60 die in the city, 218 die in the prison. The deaths in Boston between those ages are 1.28 *per cent.*, so that it will be seen, that where 128 die in the city, only 119 die in the prison, and that thus the latter is the more healthy of the two." — pp. 97 – 99.

Mr. Gray here makes an immense concession, by comparing only the white prisoners at Philadelphia with the mingled population of whites and blacks at Charlestown. In all his statements of facts, indeed, he has scrupulously eliminated the effects of those causes alleged to be peculiar to the Philadelphia prison, and which have hitherto been used to explain away the *whole* of the startling results of a comparison of the two prisons. After making all the deductions that can be claimed on this account, the remainder still shows a fearful disproportion of mortality against the prison in Philadelphia, though it is certainly far below the truth. To be convinced of this, let us look at the mortality in that prison among the blacks alone, a point wholly omitted in the passage just cited.

For ten years preceding 1830, the annual average rate of mortality among the blacks in the city of Philadelphia was 4.75 *per cent.* for all ages; subtracting from it the rate for those under 15 years of age, — making the calculation on the same principle and from the same facts as those used by Mr. Gray in the case of the whites, — the rate of mortality among the free blacks from 15 to 60 years old is 2.88. Now among the blacks in prison at Philadelphia it is 7.77, or more than two and a half times as great; that is, the chance that imprisonment on this plan will kill the black convict within one year is two and a half times as great as the chance of his dying within that year if he should remain at liberty. Is it humane or just to subject him to this increased hazard, when the court has sentenced him only to confinement?

But there are good reasons to believe that the figures as presented by Mr. Gray do not show the whole of this terrible risk even for the whites. In the comparison of the two prisons, no account has yet been taken of the different length of the periods of confinement, or of the number of pardons. From the third report of the New York Prison Association, page 40, it appears that the average length of imprisonment at Charlestown is about five years, while at Philadelphia it is

but two years and eight months,\* yet the longer term causes a rate of mortality equal to 1.19 *per cent.*, while the shorter term at Philadelphia makes it 2.18. Now the rate at Philadelphia *in* prison exceeds what it is *out of* prison by .71 *per cent.* (2.18 — 1.47), and this difference, which shows how great are the causes of death that are peculiar to the prison, should be doubled, or in other words it should be added to 2.18, before we compare this prison with another in which the peculiar or prison causes of death have twice as long to work. We have, then, 2.89 as the true rate of mortality at Philadelphia for the purpose of comparison, or 289 white convicts die there while 119 die at Charlestown. The report last cited shows that in 1845 there were 14 persons confined for life at Charlestown, and the longest period there, other than for life, was 35 years, while the shortest period was one year; at Philadelphia, in the same year, there were none for life, the longest period was 11 years, and the shortest only three months. The effect of these differences on the respective rates of mortality is obvious enough, and would justify even a larger allowance than we have here made for them.

The distribution of pardons between the white and black convicts at Philadelphia is quite remarkable, and may afford a clue to the immense and otherwise unaccountable difference in the rates of mortality of the two races while in prison. From the returns for five years preceding the close of 1846,

---

\* This is the average length of the periods which the convicts who entered the prison in 1845 and 1846 were sentenced to suffer; but this average is much diminished by the frequency of pardons. The tables given on pages 41–49 of the Seventeenth Annual Report of the prison at Philadelphia enable us to show how long the convicts were actually imprisoned. We find that from October, 1829, to January 1st, 1846, there had been 2,059 prisoners. Of these, 467, or 22.6 *per cent.* of the whole number, were confined one year or under; 806, or 39.1 *per cent.*, from one to two years; 522, or 25.3 *per cent.*, from two to three years; 198, or 9.6 *per cent.*, from three to five years; 43, or 2.08 *per cent.*, from five to seven years; and 23, or 1.1 *per cent.*, from seven to ten years. Now, reckoning the average period for each of these classes as midway between the limits given for that class, — that is, considering the 467 as confined on an average for 6 months, the 806 as averaging one year and a half, and so on, — we find that the whole number were confined an average period of one year, eleven months, and seven days, instead of two years and eight months, as stated in the New York Report. The difference of course strengthens our argument very much. But we have no means of ascertaining how much the terms of imprisonment at Charlestown are shortened by the operation of pardons. We are told, however, that during the past five years, one in every 12 of the prisoners at Philadelphia has been pardoned, while at Charlestown during the same years the average number pardoned has been only one in 22.

it appears that 131 whites were pardoned out, and only 11 blacks. "During this time," says Mr. Gray, "the whites have been precisely twice as many as the blacks, the average of the one being 221 $\frac{3}{4}$ , and that of the other just 111. The number of whites, then, has been to that of the blacks as two to one, and the pardons of the former to those of the latter almost exactly as twelve to one." It is not so strange that the rate of mortality of the poor blacks should appear thrice as great, when the rate of pardons for them is but one sixth as large, as the corresponding rates for the whites. This consideration adds much weight to our argument on the comparative length of the periods of imprisonment at the two places. The following ratios, which we have hastily calculated from the tables given on pages 41 – 49 of the Annual Report of the prison at Philadelphia for 1845, show obvious reasons why the system is more fatal to the colored race. Of 1,367 white prisoners, 364, or 26.6 *per cent.* of the whole, were confined one year or under; while of 692 blacks, 103, or only 14.9 *per cent.*, did not exceed one year. Of the whites, 11.8, and of the blacks, 14.8 *per cent.* were imprisoned three years or more; 2.8 of the former, and 3.9 of the latter, remained five years or more. The system has been more deadly to the blacks simply because they have been longer exposed to it.

The effects of the separate system on the minds of the convicts are found to be more injurious even than its operation on their bodily health. Solitary imprisonment unmitigated by labor has always caused so frightful an amount of insanity, that the plan has been abandoned in every case in this country in which it has been tried, and usually after a very short experiment. Is there cause to believe that the alleviations of this solitude which have been introduced into the Pennsylvania system have effectually checked the evil? These alleviations consist in giving the prisoner the means of employment in his cell, and in allowing him to be visited by the prison officers and inspectors, and other suitable persons, though he never sees his fellow-prisoners. It is important to know how numerous and how long these visits are, on an average, for each convict, — how large a part of the twenty-four hours he usually spends in the company of a fellow-being. Mr. Gray first cites, upon this point, the testimony of Mrs. Farnham, the excellent Matron of the female department at Sing Sing,

who visited the prison at Philadelphia in 1846, in order to see the actual operation of the Pennsylvania system.

“In an examination of this system, therefore, one of my particular objects was to ascertain what amount of social intercourse was afforded to those who were placed under its operation. With the advantages which I have named, it would be idle to suppose that a state of things more favorable to a liberal and sound administration of the system will be anywhere realized than in Philadelphia. I was exceedingly interested, therefore, to ascertain how far all these advantages permitted the prisoner to conform to the laws of his mental being, in respect to the particulars which I have named. *The largest average which was given me of the time spent by each person in social intercourse was by the warden. He thought it might be fifteen minutes of each twenty-four hours, — perhaps with a great majority not so much. Those prisoners with whom I spoke thought seven minutes would be a large statement of the amount of time spent by them in society!* A few who were peculiarly situated gave much more than this. But these were exceptions, existing under temporary and precarious causes. The periods of imprisonment range, in most countries, from one year or less to the length of the natural life. For terms of time, therefore, varying from those of short duration to the whole of the natural life, persons condemned to this system must suffer a solitude so entire, that fifteen minutes out of each twenty-four hours will include the entire time spent in the presence or communion of a fellow-being.”

To confirm Mrs. Farnham's statement, our author shows by a curious calculation that it is not practicable, under the system, to allow each prisoner society for more than fifteen minutes a day.

“It appears from the above table marked (B.), that the number of prisoners has been on an average, for the last ten years, 364; let 360 be taken as more convenient for this mode of calculation. It is stated that the moral instructor employs from seven to eight hours a day, say eight. In this time there are 480 minutes, which is one minute and one third for each prisoner. It is not to be supposed that he sees them all every day. He states himself that he makes each day from sixteen to twenty visits. Suppose twenty, and allowing no time for passing from one cell to another, each visit is of twenty-four minutes, and each prisoner sees him once in eighteen days.

“If the visits are more frequent, they must be shorter; or if longer, more rare; for they can amount in all to no more than a



minute and one third per day. The same estimate applies to the schoolmaster. The warden, considering his other important avocations, cannot probably devote more than two hours every day to visits, or one fourth part of the time employed by the teacher; which will afford to each prisoner an amount of visiting equal to one third of a minute each day, and as he sees every inmate once a fortnight, each visit may be of four minutes and two thirds. Allow as much for the physician, and as much more for the apothecary, and we have altogether from these officers within the walls three minutes and two thirds per day." — pp. 126, 127.

The length of the visits made by the inspectors, the committee of the Philadelphia Society, the legislature, the juries, benevolent persons from the community at large, and the turnkeys, is computed in the same manner, and the aggregate is shown not to exceed eleven minutes a day. To adopt Mrs. Farnham's statement, therefore, allowing fifteen minutes a day of human intercourse to each convict is certainly not to fall short of the truth. How much society ought to be provided in order to maintain the bodily and mental faculties of each prisoner in full health and vigor is a question which it is not easy to determine.

"No one probably would think of less than two hours a day. If we suppose this duty of visiting to be assigned to chaplains, as it usually is, and each to be employed eight hours daily, which is as much as can be required, one chaplain for every four convicts would be necessary to accomplish the object. The work would probably be divided, and one chaplain give half an hour a day to each of sixteen convicts. But then three others must give half an hour apiece to each of the same sixteen in order to furnish them with the time specified; and however this duty be distributed among them, their number must amount to at least one fourth part of the prisoners; or to ninety-one in Philadelphia, and seventy-four in Charlestown. Even to provide them with society for one single hour in the twenty-four would require half these numbers. And who would dream of proposing to the State of Massachusetts to employ and pay seventy-four or even thirty-seven chaplains for the State prison, or ask that of Pennsylvania for the still larger number?" — pp. 128, 129.

We shall not quarrel with the upholders of the Philadelphia plan about a name. If the fact, that each prisoner has society afforded him on an average for fifteen minutes a day, seems to them to justify their often-repeated assertion, that the system is

not one of *solitary*, but of *separate*, imprisonment,\* they are welcome to the appellation. Indeed, as the inmates of the Bastille and the Spielberg, of the Inquisition at Madrid and the Leads at Venice, were necessarily visited each day by the persons who brought them their allowance of food and water, it is pretty evident that solitary imprisonment, as it is understood by the advocates of the separate system, was not permitted in these institutions, nor do we see how it is practicable anywhere.

But whatever name be given to the system, let us see what its effects are on the minds of the prisoners.

*New cases of Insanity in the Eastern Penitentiary of Pennsylvania, in each year, since 1836.*

Years.	Whole no. of cases.	Whites.	Blacks.	Not distinguished.	Appearing insane when admitted.		
					Whites.	Blacks.	Not distinguished.
1837	14			14			
1838	18	8	10				
1839	26	13	13		2		
1840	21			21			
1841	11			11			
1842†							
1843	4	3	1		2	1	
1844	15	10	2	3	8	1	3
1845	8	6	2				
1846	9	3	6				
	126	43	34	49	12	2	3
Deduct Insane when admitted. }	17	12	2	3			
Cases arising in prison. }	109	31	32	46			

“Now since it appears, that where the color is distinguished, the number of whites and the number of blacks becoming insane

\* “The system is called the solitary system by some who have written against it, and who have portrayed their objections in glowing colors. It is not a solitary system; and therefore such objections, and whatever deductions have been made therefrom, are groundless. The prisoners are separated from each other at all times. They never see one another. From the moment they come into prison they are separated and alone only as regards their fellow-prisoners. The system is properly called, therefore, the *separate system*.” — *Seventeenth Annual Report of the Eastern Penitentiary of Pennsylvania*, p. 7.

† No statement.

in the institution are almost exactly equal, it is the natural and necessary presumption, that the same proportion exists, where the color is not distinguished ; and of course, half of this undistinguished number 46 should be added to each. To the 31 known to be white let us add, then, the 23 necessarily believed to be so, and we have 54 cases of insanity in an average white population, as appears from table (B.), of 229.

"This for nine years is six each year, or 26.20 new cases of insanity, annually, for every thousand people. Even if we suppose that there was actually no case of insanity in 1842, and base our calculation on ten years, it would only reduce the average number of new cases among whites from 26.20 to 23.58 in a thousand, which does not at all affect the argument, for there ought not to be more than ONE in a thousand. The former number is no doubt correct." — pp. 106, 107.

In the report of the physician of the Charlestown prison for 1838, it is said that during the year one man had become insane, and "that this is only the second case of insanity which has occurred in this penitentiary during the last ten years." During the ten years since 1836, there have been seven cases of insanity in this prison, five of them being insane when admitted.

"It appears, then, that only two cases of insanity have originated in the prison at Charlestown during ten years past, which is one in 1474, less than one in a thousand, accurately .68 in 1000 ; so that the cases of insanity thus originating among the white prisoners alone in Philadelphia have been almost thirty-six times as many as among all the prisoners, white and black, at Charlestown." — pp. 109, 110.

According to the census of 1840, one person out of every 580 of the whole population of Massachusetts is insane, while in Pennsylvania the number is only one to every 808. But this census is not trustworthy, and there is no good reason to believe that the tendency of the free population to insanity is greater in the one State than the other. As to the number of *new* cases of insanity which occur every year in the community at large in Massachusetts, Mr. Gray shows good reason to believe that 1 in 2000 "is the lowest rate that can justly be assumed, as 1 in 1000 is certainly the highest." The rate in the prison at Charlestown is 1 in 1474, which is so nearly midway between the two extremes, that it is very safe to assume that it is no larger than the ordinary rate with-

out the walls. In other words, imprisonment upon this system has no tendency to produce insanity.

But what shall we say of the Pennsylvania system, which produces annually among the *white* convicts *twenty-six* new cases of insanity for every thousand persons, or one in every thirty-eight ?

“ At the same rate, there would be nearly 21,000 new cases of insanity annually in Massachusetts, and about 3,144 in Boston, a number far exceeding that of the deaths. What would become of us, if our weekly list of deaths were accompanied by a still longer list of insanities, and it were known that this was not a rare calamity, but the ordinary course of events here ? This city would be at once depopulated. Yes, even Boston. Its inhabitants would flee from it as from the seat of a pestilence.” — p. 113.

Yet Mr. Gray, with his usual scrupulous avoidance of all those cases which some have endeavoured to account for by unfortunate circumstances alleged to be peculiar to the prison at Philadelphia, has taken no notice of the new cases of insanity among the black convicts, which, as the table shows, are 55 in number on an average annual population of 135. This, for nine years, is more than six for each year ; it exceeds 45 in 1000, or one in every 22. According to the last census, Pennsylvania has a free black population of 47,854, which would give, if insanity prevailed among them at this rate, 2,175 new cases every year. The whole number of insane and idiotic colored persons in the State, in 1840, was shown by the census of that year to be 187 ; and whatever may be the faults of this census, no one who has examined it will think that it attributes too little insanity to the free blacks. Its correctness has been most frequently impeached on the very ground that it attributed to them too much ; the statements it contains in this respect are admitted on all hands to be incredibly large.

But half of the evil is not told yet, though the remainder of it cannot be stated or estimated in figures. We commend the following passage from Mr. Gray's book to the serious attention of every student of the subject, for it points out in concise but vigorous language a consideration of great importance, which has been too frequently overlooked.

“ But the tables above given, appalling as they are, do not afford the full measure of this evil ; for it is most important to

remark that they contain no cases but those of actual death or insanity. No case of debility or disease, bodily or mental, is entered here, until it reach that last extremity. Now is it possible to believe that there are no such cases, that all those who have not attained this fatal consummation are full of health and vigor, and able to go forth and battle manfully with the world? It cannot be. Many more must be treading the dark and downward path, who are yet more or less distant from its end. It is the natural, nay, it is the necessary presumption, that a mode of treatment which utterly destroys the health and reason of so many cannot leave those of others entirely unimpaired. Is it consistent with justice or humanity to inflict a punishment which has this tendency? ”— pp. 113, 114.

Here is the reason why the Pennsylvania system has been thought to operate so favorably towards the reformation of the criminal. After the terrible effects of long-continued solitude have shattered his nervous system and benumbed his faculties, till he is trembling on the verge of insanity, he appears subdued, simple, and childish; he weeps at the slightest cause, and is ready to promise amendment, or any thing else that is asked of him. Beaumont and De Tocqueville, in visiting one of the prisoners, No. 61, in the prison at Philadelphia, observed that *he could not speak long without being agitated and shedding tears; and that they had made the same remark of all whom they had previously seen.* New Jersey is now the only State in the Union besides Pennsylvania which has a prison conducted on the plan of solitary labor by day; and the physician of the prisoners, after only two years' experience of the system, speaks thus of its effect upon them.

“ In many instances there is remarked that weakness of intellect which results from an unexercised mind. The nervous system must suffer with the other parts of the body from the causes already mentioned. If the prisoner's mind, on his admission into the cell, has not been of a reflective character, and capable of exercising itself on abstract subjects, *imbecility is soon manifested, which leads him to amuse himself in the most childlike employments. If this confinement were continued for many years, such individuals would, no doubt, become permanently injured in their faculties.*”

A year afterwards he speaks yet more plainly and decidedly of this terrible effect of the system.

“ Among the prisoners there are many who exhibit a childlike

simplicity, which shows them to be less acute than when they entered. In all who have been more than a year in the prison, some of these effects have been observed. *Continue the confinement for a longer time, and give them no other exercise of the mental faculties than this kind of imprisonment affords, and the most accomplished rogue will lose his capacity for depredating with success upon the community."*

Certainly, it is possible to effect an apparently moral reformation of the convict by reducing him to a state of mental imbecility ; even if this prostration of the intellect be not accompanied by a real change of heart, still the wretched man will be incapable of returning to his former practices with success, and society will thus be protected from crime. So a raving maniac may be stunned by heavy blows on the head, or stupefied by large doses of opium, and thus be reduced to quiet ; yet this is not the way to cure, but to kill him. The moral torture of long-continued solitude, the ceaseless blows it inflicts till reason totters on her throne, may be less savage in appearance, but are far more terrible in reality, than any attempt to subdue a madman by brute force. Rather than subject the vilest criminal to the influence of such a system, our fervent prayer would be that he might continue through life to sin, preserving only the slender chance of a death-bed repentance.

There is one other point relating to the management of the prison at Philadelphia to which it is our duty to allude, though we should much prefer to say nothing about it. There is too good reason to believe that the official statements which have been published respecting the effects of the system there pursued on the minds of the prisoners, afflicting as they are, do not contain the whole truth. In the table already cited, our readers have seen that no cases of insanity are reported for 1842 ; "*the part of the Philadelphia Physician's Report for 1842, which should relate to insanity, appears to have been suppressed without explanation.*" There are asterisks in this Report, indicating that something has been suppressed, and all the other usual matters are discussed in it except insanity, which is justly made a prominent topic in the preceding and subsequent Reports. The language in the Report for the following year, also, leads almost irresistibly to the inference that some of the "old" cases, of which it speaks, originated in 1842. In the Seventeenth Annual Report, the

physician promises to give a tabular statement of all the cases of mental disease which have occurred in the prison. In the Eighteenth Report he excuses himself for the non-fulfilment of this promise, but assures us that in the "next Report the tables shall be forthcoming." They will be very welcome, for the language hitherto used on this subject in the Reports has often been so ambiguous and obscure, as to give rise to unpleasant suspicions. Thus, in 1845, we hear only of "the cases of insanity which have been developed" within the year; and in 1846, of those only "that are supposed to have originated in the institution during the year." Does this mean that there were *other* cases which then first came under treatment, but which were "*supposed* to have originated" in a former year, or perhaps before the individuals entered the prison, and were not mentioned in the Report on account of this supposition?

We make no charge, founded on the Reports already published, against the directors of this prison, of any intention to suppress the truth; we desire only so far to direct public attention to their conduct in this respect, as to insure the utmost frankness, the most explicit statements, on this point, in their *future* Reports. The *suppressio veri* here would be one of the worst forms of falsehood. They owe the complete exhibition of the truth on this subject to their own characters for manliness and candor, to the cause of humanity and truth, and to the community, both in Europe and America, which is in danger, through the multiplication of prisons on the separate plan, of being deluged with a flood of the most terrible *hereditary* disease to which the human race is subject.

As some persons, who are opposed to the separate system as applied during long periods of confinement, advocate its adoption in jails or county prisons, and other houses of detention, for short terms, it is desirable to produce some evidence as to its effects when thus restricted in duration. We remark first, however, that we differ *toto cælo* from these persons as to the merits of the distinction which they have set up. Insanity in some of its worst forms is an insidious and slowly progressive disease. If any mode of treatment were sure to develop it in its full horrors only at the end of ten years, we should consider this a sufficient reason why no individual ought to be subjected to such treatment even for a month or a week. Society has no right to implant the seeds

of a terrible latent disease in the mind of a criminal whose offence merited, at the most, imprisonment for a few months. He may have inherited a disposition to become insane, which might have remained hidden for many years, while "the separate system" would bring it out in a week, though a sounder intellect might resist the apparent effects of the system for a twelvemonth.

But let the facts speak as to the safety of this system even for short terms. We are lucky enough to find evidence on this subject in a quarter which is liable to no exception, in the last, or Eighteenth, Annual Report of the Eastern State Penitentiary of Pennsylvania. In it "the Board of Inspectors" state, page 22, that they "have desired to obtain information from other prisons on the Pennsylvania plan, in order to compare it with that submitted by them. The Warden, Physician, and Inspectors of the Chester County Prison, in this State, have most cheerfully and kindly furnished, at the cost of much patient labor, the following tables, showing the condition of the Separate Prison in that county." The table is very complete, covering the whole history of the prison from the date of its opening, in August, 1840, to January 1st, 1846. During these five years, 111 prisoners were confined there; but as one of them was pardoned out on the day after he entered, let us call the number 110. Of these, twelve were imprisoned for a period not exceeding one month, and twenty others for terms of not more than three months; the average period for the whole number, making allowance for those whose terms had not expired at the date of the report, was a little less than ten months. Of these 110, only one died in prison; six were admitted insane, and three became insane after admission. One committed suicide before he had been confined ten months, and as his health was marked "good" when he entered, and "imperfect (melancholy)" at the time of his death, we suppose that his case also must be considered as one of insanity. We have, then, *four* new cases of insanity among 110 prisoners, who were confined, on an average, less than ten months. This is an average of 36.3 to 1000, a rate of insanity which, if it prevailed throughout the population of the State, would give to Pennsylvania alone 62,581 new cases every ten months. Of the three who became insane while in prison, and were discharged alive, one was confined for six months, another for



two years, and the third for one year and twelve days ; but at what period of their confinement the disease first showed itself is not stated. So much for the effects of the separate system, during short terms, in "jails and houses of detention." Yet among our own fellow-citizens, a number of excellent philanthropists have been making the most strenuous efforts, during the past three years, to induce the city of Boston to erect a jail on the Pennsylvania system !

Lest some should think that the operation of the plan of solitary labor by day has been more unfortunate in Pennsylvania than elsewhere, though that State was its birth-place, we will now adduce evidence as to its effects in other places. We have already alluded incidentally to the experience of New Jersey, which adopted the system in October, 1836, and is commonly said still to continue it, though, as we shall see, a tolerably extensive modification of it has been made in practice. The report of its operation during the first year is a picture of complete success, and the inspectors speak with much satisfaction of "the vast superiority of separate confinement with labor and instruction, in ameliorating the condition of the convict, over every system of prison discipline that [they] have any knowledge of." But a marked change appears in the tone of the report of the very next year, and an apprehension is fairly expressed that the system was doing serious injury to the bodily and mental health of the convicts. The deaths during this year were three *per cent*. Besides speaking of the tendency to insanity, as in the passage we have already cited (*ante*, page 164), the physician holds the following language.

"From the observations of the past year, I am convinced that there are diseases peculiar to the prison, and which will make the report less favorable to the health in the institution than what is expected.

"The tendency to glandular obstruction is seen in almost every prisoner who has been confined in the cells for more than a year, when he is in the least degree indisposed. The complexion is pale, of a dropsical hue, such as continued shade almost always produces, and the symptoms of disease of the internal organs are of the character that mark the languid action which prevails under such circumstances. Some *post mortem* examinations have been made, and in all of them the lymphatic glands were enlarged to an enormous degree, indurated and obstructed."

From the physician's report for the third year, besides the remarks already quoted, we make the following extract.

"There are some among the convicts, who came from the old prison. While there they were in strong health, and for the first two years, in this penitentiary, complained little. Now they have become debilitated, are languid, and exhibit decided symptoms of a decline of their physical powers.

"Among the prisoners are many cases of insanity. Some on their admission showed symptoms of derangement, and since then have continued in the same state."

From the fourth report we cite some instructive passages ; those who wish to see the longer extract, which gives the context of these, will find it in Mr. Gray's book, to which we are indebted, indeed, for nearly all the quotations made in this article, though we have seen most of them *in situ* in the original authorities.

"The effect of solitary confinement on the prisoners in this institution is well determined, however different it may seem from what is reported of other similar establishments. As the punishment is carried out in this place, the result upon the convict is a diminished force of his organs generally ; and particularly a weakening of the muscular fibre, obstruction of lymphatic glands, and vitiated nervous action. The mind suffers, in this state of the organs, when absolute derangement does not take place."

"The injurious effects are a constant cause of complaint among the prisoners ; and as they are making applications for pardon on this ground more than any other, the physician is constantly solicited for certificates of health, under the belief that his statements will go far to induce the court to suppose a further confinement will destroy the life of the petitioner. Some have been pardoned for this reason, who have died soon after they left the prison."

"There are now amongst the 152 prisoners, 12 deranged men. More than half of these were fit for a lunatic asylum when they were received. Instead of receiving any benefit from their confinement, they became confirmed in their malady."

"In the sixth report of the physician," says Mr. Gray, "we have the conclusion of the whole matter."

"Knowing the circumstances under which mind and body suffer most, care is taken to avoid all such evil, as far as prac-

licable. And now, while we admit the enervating tendency of solitary confinement, we can report for the last year no death amongst an average of 141 prisoners. There have been but a few on the sick list at any time during the year, and no case of insanity has originated in the house during this time."

"The cause of this great and extraordinary change may be learned from the physician himself."

"These very favorable results are to be attributed to the constant employment furnished the convicts, and also to the treatment the prisoner receives on the first appearance of disease. If his mind begin to fail, and he shows symptoms of derangement, *another convict is put with him in his cell.* THIS INVARIABLY RESTORES THE PATIENT."

The evil must have been frightful, indeed, if it was thought necessary to check it by such a remedy. That convicts were herded together by night in the same cell was the darkest stain on the character of our prisons before the movement for reforming them commenced, and it did more than all other circumstances united to direct public attention to the necessity of such a reform. It drew from a former governor of Massachusetts, in his message to the legislature, the energetic remark, — "Better that the laws were written in blood, than that they should be executed in sin." And now, total separation by night is enforced in every prison, that has adopted either the separate or the silent system, in the United States, except in New Jersey, where the continued society of another convict is found necessary to restore the health of one who has been broken down in body and mind by the merciless solitude that he was formerly doomed to suffer. How is it, then, with the prison infirmary at Philadelphia? We cannot find any information on the subject in their recent reports. Are the sick, and those who manifest the first symptoms of insanity, always subjected to medical treatment in their separate cells, or are they at once removed to the prison hospital, and there cured, not by drugs, but by enjoying, throughout the twenty-four hours, the society of other sick convicts and of their medical attendants? If actually treated in their cells, how constantly does the nurse or physician remain with them? We look for information on these points to the future reports, which ought to specify the an-

nual number of admissions to the prison hospital, if there be one, and the number of days spent there by each patient ; or else, how much society is given to the sick convict in his cell.

The history of the trial of the separate system in Rhode Island will not detain us long. It was introduced there in November, 1838, and abandoned in 1843, at the recommendation of the warden and physician, "after a careful observation, extending through a period of more than four years, of the injurious and alarming effects of solitary imprisonment upon the mental and physical condition of those who were the subjects of it." During the year preceding its discontinuance, there was an average loss from sickness of twenty-five *per cent.* upon the labor of the convicts ; while during the first year of social labor by day, the loss from the same cause was about six *per cent.* The necessity and amount of punishments for disobedience and violations of rules were diminished in about the same proportion. Of the forty prisoners committed while the separate system was in use, ten, or one fourth of the whole number, two of whom were blacks, manifested decided symptoms of derangement ; of the nineteen committed since this system was abandoned, only three have shown symptoms of insanity, and one of these had become deranged under the separate system, was discharged insane, recovered his mind while at liberty, committed a new offence, was again imprisoned, and soon relapsed into his former state. The advantage claimed for the Pennsylvania plan, that it makes the prisoner more calm and submissive in his demeanour, was not found to be real in this experiment. "On the contrary," says the warden, Dr. Cleveland, "solitude has been found to produce restless irritability, and a peevishness of disposition, impatient of the unnatural restraint imposed on the reluctant body and mind, difficult to be dealt with ; while in the performance of social labor in silence, the men have been better subject to control, and have required less frequent exertions of authority than before."

The failure of the system in this case cannot be attributed to any defects of administration. The cells were unusually large, light, and airy, being eight feet broad, fifteen feet deep, and eight feet high ; each had a pine floor, was lighted by two panes of glass, each fourteen inches by five, was fur-

nished with abundance of pure water, and warmed in cold weather by hot water circulating through iron pipes. Suitable medical advice and attendance were furnished, and proper persons were licensed as moral and religious teachers, who visited the prisoners, principally on Sundays. "The whole system was carried into effect under the constant supervision and frequent visitation of a board of inspectors, having strong confidence in its superiority, and responsible to the legislative body for the discharge of their duties." The warden, before commencing his trial of the plan, visited several prisons conducted on the separate system in other States, in order to learn the best modes of procedure, and to make the experiment in exact conformity with the most approved models. No one who reads his report for 1844 will question his ability, or his disposition to give the system a fair trial.

According to Dr. Cleveland's observations, the insanity manifested by the prisoners in separate confinement was very similar in its symptoms to *delirium tremens*, that frequent species of derangement which arises from "the sudden deprivation of an accustomed excessive stimulus of the brain by ardent spirit." We borrow some of his remarks on this point, which are very acute and philosophical.

"In both classes of cases, I have come to the conclusion, that the derangement was produced by the abstraction of an accustomed stimulus to the brain, either natural, and requisite to a healthy action, or unnatural, and adapted to the supply of a morbid and injurious appetite, and thus necessary, by a bad habit, to the ordinary mental and physical action of the system. Persons who have never been deprived even of a small portion of what may be called their *natural stimulus*, for any considerable length of time, are little aware of its salutary and indispensable influence. Every moment of our lives brings us under its action, through the external senses, in ten thousand various forms. The succession of day and night, the changing seasons through which we are constantly passing, are all in continual action upon the springs of life. The momentary and ever-changing objects which present themselves to the eye, the continual and rapid variety of sounds which fall upon the ear, and, in short, the perpetual succession of phenomena which address themselves to the senses, are all, in a state of personal liberty, and except in the periodical intermissions of sleep, constantly operating upon the brain, and supplying it with that normal stimulus so necessary to the production of moral, physical, and intellectual health. In

fact, all the external senses are but so many avenues through which new impulses to the system are continually flowing ; all which, including also social intercourse, combine in their operations, and give a perpetual impulse to the human system. Now, suddenly abstract from a man these influences to which he has been so long accustomed ; shut him up, with but scanty resources of his own to keep the powers of his mind in action, in a solitary cell, where he must pass the same unvarying round, from week to week, with hope depressed, with no subjects for reflection but those which give him pain to review, in the scenes of his former life ; after a few days, with no new impressions made upon his senses, where even the sound of his own hammer is lost upon his ear, and one unvarying sameness relaxes the attention and concentration of his mind, and it will not be thought strange, that, through the consequent debility and irritability of its organ, the mind should wander and become impaired ; in short, that the prisoner should have the ‘ horrors,’ and that, too, from the same cause that produces the disease in the man whose system has become accustomed to other and greater stimulus than his, and has had that unnatural but habitual stimulus suddenly withdrawn. Is not the brain, as a physical organ, subject to the same laws that govern all other parts of the system ? and may it not become paralyzed or deranged for want of action, as well as from exhaustion of excitability by over-action ? ”

The comparative productiveness of convict labor under the two systems is an important point to be considered, as it shows what sort of education in industry the prisoner receives, and therefore how likely he is to be able to support himself by honest toil after his release. The table given in Mr. Gray’s pamphlet shows the “gross earnings in the State Prison at Charlestown, by the labor of the convicts, during fifteen years past, to have amounted to \$ 515,422.46, which gives an average of \$ 34,361.50 *per annum* ; and this, divided by 283, the average number of convicts during those years, makes it appear that the annual earnings of each have amounted to \$ 121.42. It should be stated, that the team hands, together with the cooks and others employed in domestic affairs, constitute about one seventh part of the whole number of convicts, and that as no money is actually received for their services, the value of them is not included in the above amount ; so that one sixth part should be added to the last-named sum to show the actual earnings of each individual profitably employed.”

The gross earnings of the convicts in the Philadelphia prison are stated in the official reports for four years only, and Mr. Gray fairly supposes that the sum is mentioned in each of these years only because it was unusually large. The average of these four years gives \$ 14,634.53 *per annum*, "which, divided by 318, the average number of convicts during those years, gives \$ 46.02 as the earnings of each individual." In other words, the prisoner at Charlestown earns over ten dollars a month, which is very nearly the usual price of ordinary labor out of the prison, while the prisoner at Philadelphia earns less than four. We might expect nearly as great a difference as this ; for when each person works alone in his cell, the division of labor cannot be carried out to any great extent, and the number of handicrafts that can be exercised to any advantage is very small. The convict, on his release, then, is quite unfitted for taking a share in the ordinary tasks of the community, which are nearly all carried on by association and great division of labor. From the difficulty of finding employments that can be practised at all in the solitary cell, 697 convicts at Philadelphia, or one third of the whole number that had been imprisoned there under the separate system down to the close of 1845, were kept at work only *in winding bobbin and picking oakum*, the coarsest sort of labor, requiring no exercise of mind, and obviously incapable of supporting them after their release. Having no trade that can afford them a maintenance after they leave the prison, it is very likely that want will drive them back into crime.

The comparative expensiveness of the two systems is a point of some importance, though the rather boastful philanthropy of some enthusiasts in the matter of prison discipline is inclined to keep it out of sight altogether. But having given our views respecting the claims of the honest pauper and the criminal on the community for support, we shall make no apology for bringing this point also into notice. But here we are met by a difficulty, arising from that disposition, to which we have already alluded, on the part of the managers of the Philadelphia prison, to suppress evidence which places their system in an unfavorable light. If they complain of the severity of this remark, let them furnish such statements in their next annual report as shall remove all occasion for making it. Hitherto, though repeatedly urged, they

have not vouchsafed to give in their successive reports any information as to the annual expenses of the prison. But a correspondent of the Boston Courier, from an examination of the Pennsylvania Auditor-General's reports since 1828, has compiled a table which throws some light on the subject ; Mr. Gray has inserted this table in the appendix to his pamphlet, though he does not vouch for its accuracy. It appears from this table that there has been paid from the State treasury, or charged to the counties, during the last nineteen years, for the support of the two prisons at Philadelphia and at Pittsburg, the sum of \$ 545,098.77 ; after deducting a portion of this amount, which may possibly have been devoted to the improvement or enlargement of the prison-buildings, there remains at least \$ 380,000 for the ordinary annual charges of the prisons for nineteen years, or *twenty thousand dollars a year*. During the same nineteen years, the earnings of the convicts at Charlestown *have defrayed all the ordinary expenses of the prison, and left a balance of gain to the State of more than nine thousand dollars*. Nor is this an unusual gain for those prisons in the United States which are conducted on the principles of social labor by day and solitary confinement by night ; the profits of the prison in Ohio, over all expenses, have usually exceeded ten thousand dollars a year.

We have finished our examination of the separate system of prison discipline, as it has been administered in this country, and have no doubt that our readers will adopt the conclusion to which the evidence has brought us, — that it is inhuman and unjust, enormously expensive, and pernicious to society, inasmuch as it creates each year a fearful amount of insanity, the effects of which, owing to the tendency of this disease to hereditary transmission, cannot fail to be felt and deplored for many generations. We are almost afraid to estimate the amount of the evil it has already caused. The facts presented certainly go far to show, that the rate of mortality in the prison at Philadelphia is twice as great as in the community at large, or in the prison at Charlestown. But adopt the lowest possible hypothesis ; suppose that only one third, instead of one half, of the deaths in the former prison are attributable to the system which is there practised, and what follows ? The table on the 19th page of the Eighteenth Annual Report of that prison shows, that among the



convicts there, during the seventeen years preceding the close of 1846, there were 186 deaths, for one third of which the separate system is accountable ; in other words, this system, in a single prison, within seventeen years, has destroyed sixty-two lives. Again, the facts prove that the rate of insanity there, both for the whites and the blacks, is at least twenty times as great as it should be ; and the table we have already given, on page 161, shows that 109 persons have become insane in the prison in nine years. The conclusion of the whole matter is, then, that *the separate system in a single prison, since 1830, has caused sixty-two deaths, and has driven over one hundred persons to insanity. How many, within the same period, have had their constitutions ruined by it, or have been reduced to virtual imbecility and childishness ?*

These results are so appalling, that we shall be heartily glad if any person should succeed in discrediting the evidence, or pointing out errors in the calculations, on which they are founded. But this cannot be done ; the facts are proved, so far as human testimony can prove any thing. After this exposure of its awful consequences, we cannot believe that the separate system will be allowed to continue in practice even in Pennsylvania. Better that the walls of all the prisons in that State should be demolished, and the doors of every criminal court be closed, than that this outrage upon humanity and justice should any longer be tolerated ; better that society should suffer from a general Saturnalia of crime, than attempt to repress it by such inhuman means. If the authors and early advocates of the plan in Philadelphia — whose motives we are far from questioning, whose benevolence of heart and disinterested zeal we acknowledge and delight to honor — are so far blinded by the pride of opinion, by fondness for their own invention, their darling scheme of prison discipline, as to continue to support it, we invoke the attention of the legislature of Pennsylvania to the subject. As the economical aspect of a question, we are sorry to say, is thought to receive more attention in our legislative assemblies than any other, we ask the lawgivers of Pennsylvania if the State is willing to continue to pay twenty thousand dollars a year for the sole purpose of keeping up this complex prison machinery, repudiated almost everywhere else in the United States, with its annual product of insanity, im-

becility, and death. Will they any longer uphold the principle of putting to death one in every 35, and of driving to madness one in every 19, of those whom the law and the courts have sentenced only to imprisonment for a limited period ? \*

The Boston Prison Discipline Society has been much blamed by a few persons, because it has long and strenuously opposed the adoption of the separate system in this country. The facts now divulged afford an ample justification of its course, and fully vindicate the judgment, discretion, and humanity of its excellent secretary, Mr. Louis Dwight, to whom, more than to any other individual, the great reforms which have been made in American prisons during the last quarter of a century are to be attributed. Great as his services have been in causing the almost universal adoption of the plan of social labor by day and separate confinement by night, and in watching over its administration, still more credit is due to him for his sagacity in detecting at so early a period the fatal tendencies of the Pennsylvania system, and for his successful exertions in confining its mischievous effects almost entirely to the State in which it had its origin. Add together the prison population in fifteen or twenty of the most populous States in this Union, and apply to the aggregate the ratios of mortality and insanity which we have seen to be produced in the prison at Philadelphia, and we may then have some idea of the probable amount of the evil which would have resulted from the general adoption of the separate system in this country, and which he more than any other person has efficiently labored to prevent. All honor

---

\* The whole number of prisoners under the separate system at Philadelphia, down to the close of 1846, was 2,176; and the 62 deaths, attributable solely to the system, being distributed among these, make about one to every 35. Since the beginning of 1837, there have been 1,865 convicts in the prison, and 109 *new* cases of insanity have arisen since that period. Now we will allow 8 of these cases to have been produced by causes which would have operated out of the prison; and as there were less than 1,200 white convicts, and less than 700 blacks, let us distribute these 8 cases by giving 3 to the whites and 5 to the blacks. This is admitting that one in 400 of the whites, and one in 140 of the blacks, might become insane in the community at large, or in a prison conducted on the principle of associated labor by day and separate confinement by night; this admission is so extravagantly large, that he who calls for a greater one must adduce strong evidence in support of his demand. We have remaining, then, 101 new cases attributable solely to the separate system, which, for 1,865 prisoners, is about one to every 18½.

to him and to the Society which he represents for their early and continued opposition to the system ! To ask, as some have done, that the Society should take a neutral position with reference to the rival plans of prison reform, and should fully set forth whatever might be alleged in favor of either, is to demand that it should make a compromise with insanity and death. We might as well ask a temperance society to advocate the cause of drunkenness.

This tribute was due to an association and to its most active officer, who have been most unreasonably assailed \* for their philanthropic and successful labors in an excellent cause. We pass to a consideration of what is now almost the sole argument that is adduced in defence of the Pennsylvania plan, — the weight of *opinion* in Europe in its favor. It is difficult to treat this plea seriously. To attempt to rebut the evidence of facts by mere theoretical considerations, when the question is obviously wholly practical in its character, is a sufficiently futile undertaking ; but to claim additional value for these considerations, on the mere ground that they are entertained by certain distinguished persons on the other side of the Atlantic, is simply preposterous. We say that the prison in Philadelphia has caused a frightful amount of insanity ; and we are told, that M. de Tocqueville, who visited the prison two or three times several years before any of the cases of insanity spoken of in this article occurred, is in favor of the system. We produce the figures which prove that the rate of mortality in the prison is twice as great as in the community at large ; and we are informed, that a majority of the persons who met in congress at Frankfort believe that the system is not injurious to the health of the prisoners. We say that Rhode Island rejected it after a full and fair trial, and that experience has compelled New Jersey to give up the distinctive feature of the system ; and we are met by the reply, that France and Prussia are adopting it on the strength

---

\* " Puis M. Dwight, l'agent des *Wilful and unwarrantable perversions of truth* de la Société de Boston." — *Revue Pénitentiare* par M. Moreau-Christophe, Paris, 1844, page 426.

" *Mensonges de la Société de Boston.* — Malgré cela, il y a encore des gens qui doutent de l'efficacité du système. Cela tient principalement aux faux rapports de la Société des prisons de Boston, Société éminemment respectable, mais qui n'en est pas moins une agence de mensonges, qui puise aux sources les plus suspectes, et qui se laisse influencer par l'agent officiel qu'elle s'est donné, et dont les motifs sont connus." — *Id.* Livraison 4, page 130.

of learned and argumentative reports from commissioners of high reputation. We are invited to reject altogether seventeen years' recorded experience of both systems in America, and to wait five or ten years longer, till France and Germany shall be able to furnish us with the results of *their* experience. Such a mode of defending any system does not require further notice. If facts and arguments of any intrinsic weight can be adduced from good European authorities, these are, of course, entitled to respectful consideration; but to make a parade of the mere *names* of these authorities shows very bad logic and bad taste.

“The wonder is, and it is no slight one, that the results of brief experiments made long ago by ourselves, transmitted hence to Europe, and there received on our authority, should, after many years, be brought back here, and held up by some among ourselves as conclusive and binding on us, in opposition to our own more deliberate judgment upon more mature experience; as if the first hasty deductions from our own short and imperfect observation were clothed with some mysterious and inviolable sanction by passing through foreign lips, and the echo of our own voices were the response of an oracle. It is no such echo that we are told to worship.” — p. 11.

The truth is, no country in Europe, except England, has had any experience on this subject that is worth mentioning by the side of our own. There is not a prison on the Continent which is exactly modelled upon the Pennsylvania plan; there is not one exhibiting any approach to it that is more than four or five years old. The discussions of this subject there have confessedly been conducted almost altogether by the light of theory and of American experience; the argument assumes, that we are incapable of interpreting our own experience for ourselves, and that we must send reports of it across the ocean in order to ascertain what it teaches from European expounders of it. This is certainly a very modest course, but we doubt whether it would be a very wise one. Usually, the lessons of experience are more correctly spelt out nearer home.

As for English experience, making allowance for its great inferiority in duration and extent, we contend that it is nearly as decisive against the separate system as the American. The first trial of the plan was made at the Millbank prison in 1837, when the principle of non-intercourse was carried

out to a great extent, though not so strictly as at Philadelphia. Yet in May, 1839, the deaths and cases of insanity had become so frequent and alarming, that a distinguished physician, Dr. Baly, was appointed to visit the prison twice a week for a year, in order to watch over the condition and health of the convicts in conjunction with the resident surgeon. The official report of the Millbank penitentiary for 1841 contains this statement : — “ In consequence of a distressing increase in the number of insane prisoners,\* the committee, under the sanction of Dr. Baly’s report, came to the resolution, that it would be unsafe to continue a strict system of separation for the long periods to which the ordinary sentences of prisoners in the penitentiary extend.” The system was therefore relaxed with regard to nearly all the prisoners, who were separated from each other only for the first three months after their admission, and were then allowed to have moderate intercourse, two or more having permission to converse together during their hours of exercise. Also, whenever the mind or body of any prisoner seemed to be injuriously affected, the rules in his particular case were to be suspended. “ It was solely with the view to the prevention of insanity that the change of discipline was introduced here in July, 1841.” The Millbank Report for 1842 contains the following remark, with which we leave the consideration of the experiment in this prison : — “ During the eighteen months preceding the introduction of the system of modified intercourse, fifteen prisoners became insane ; whereas during the eighteen months succeeding, five cases only of insanity have occurred.”

In 1843, the model prison at Pentonville was opened, with the most elaborate preparations for reducing the separate system to practice with safety. Its inmates were to be carefully selected from the whole body of convicts, between eighteen and thirty-five years of age, to be in perfect health, and otherwise well suited for undergoing a peculiar discipline. They were not to be confined there, on an average, more

---

\* “ In 1840, five prisoners were removed to Bethlem Hospital, and not less than nine prisoners became insane from the 1st January to the 30th September, 1841, and were transferred as lunatics to Bethlem. We also found ten males and one female of unsound mind, as convalescent from insanity, and who were allowed garden exercise and extra diet.” — *Millbank Report for 1841.*

than eighteen months, and were subsequently to be transported to Australia, with different privileges on their arrival there, depending on their good conduct while in prison.

“The chapel is divided into stalls, so that, while all the prisoners see the preacher, they cannot see each other. But as it contains seats for only half the number of prisoners, each convict attends prayers but once a day, and hears three sermons in a fortnight, that number being preached every Sunday. Two days in the week, beside Sunday, are devoted to instruction, which is given by the principal schoolmaster in the chapel, and by his three assistants in the separate cells. As only every alternate stall is occupied in school hours in order to prevent communication, no more than one sixth part of the prisoners are present at the same time, and each school lasts two hours. . . . .

“The prisoners take turns in cleaning the corridors every morning, which occupies an hour, during which time several are in company with each other, but under the supervision of an officer to prevent all intercourse. They likewise pass an hour every day in their exercising yards in company, but under similar supervision and at fifteen feet distance from each other. But in order to prevent their recognition of each other in future, each prisoner, while exercising, washing the corridors, or passing to or from the chapel, is obliged to wear his cap-peak over his face ; that is, to draw down the leather visor of his cap, which is long enough to reach to his mouth, and has holes in it to peep through. This is deemed to constitute complete separation.

“All their work, however, is done in solitude ; for which there seems to be no good reason, since their cap-peaks might be so contrived as not very greatly to impede their labor, and in that case they might, in the open air, or in large workshops, at fifteen feet distance from each other, have labor and exercise at the same time, and a great deal more of both.” — pp. 163 – 165.

Great stress is placed on the necessity of depriving the prisoners of all means of recognizing each other on leaving the prison ; and accordingly, says Mr. Gray, in order to make assurance doubly sure, the government “caused them, on leaving Pentonville, to be placed, three or four hundred together, on board a convict-ship, and to make a voyage of four or five months to Van Diemen’s Land, without cap-peak, mask, visor, veil, or any other concealment of their features whatsoever.” The theorists had the matter all their own way here, in the construction of the building and in all the internal arrangements ; and this is not the only instance

in which they carried out their preconceived system with a ludicrous forgetfulness of consistency in the subsequent proceedings. Thus, the object of this elaborate plan of separate confinement was to fit the convicts for transportation; but the sudden transition from the deathlike loneliness of their cells to the air, light, and bustle of a crowded convict-ship proved too much for the sickly frames and enfeebled minds of the very first batch of prisoners on whom it was tried. The surgeon of the ship says : —

“The sudden change from great seclusion to the bustle and noise of a crowded ship produced a number of cases of convulsions, attended in some instances with nausea and vomiting, in others simulating hysteria, and in all being of a most anomalous character. The recumbent position, fresh air, mild stimulants, &c., were found beneficial in all these cases, and after three days the convulsions disappeared.”

Such are the consequences of tampering with the great law of Nature, which declares that man is born for the society of his fellow-beings, and cannot live without it. And now, instead of the Pentonville system fitting the convicts for transportation, it is acknowledged that it unfits them, and that they must, after leaving the “model prison,” be associated together for a few weeks at Millbank, before they can be trusted on shipboard. The chaplain of the prison, after four years’ experience in it, states his wish, in the report for last year, to see there “*some well-directed means for giving them daily exercise in the active duties of religion AND SOCIETY, before they pass from their almost solitary condition here into the world again.*”

The ordinary annual expenses of Pentonville prison are about \$72,000, and the average number of convicts in it is 420. Each prisoner, therefore, costs the government 170 dollars a year, without reckoning the great cost of the building as any thing; the convict’s earnings, however, should be deducted from this sum, and these amount to 25 dollars *per annum*. The average annual wages of an agricultural laborer in England do not at the utmost exceed 120 dollars, and on this sum he is expected to support his whole family, without any means being provided by the public for their education, and without being able to leave the country because too poor to pay his passage to other shores. But if he will become a rogue, government will support him liberally

for a year and a half, give him religious and secular instruction for two days in the week, and finally transport him free of expense to Australia, where he is landed with a conditional pardon and the power of applying his future earnings to his own uses.

And what were the consequences of this curiously elaborate and expensive system on the mental condition of the convicts? During the first year, 1843, there were three cases of mania, and five of hallucination or partial insanity, in an average prison population of 332, making eight cases of mental disease for this number, or more than 24 cases in a thousand. Some "peculiar circumstances" — we are not told what they were — being then removed, the number of cases for the next two years was quite small. But the report for 1846 shows again six cases of such disease, namely, one of mania and five of delusion, the average number of prisoners being 423; this is at the rate of over 14 cases in a thousand. Such is the evidence that the *model* English prison, with its numerous and important mitigations of the severity of the Pennsylvania plan, affords of the safety of the separate system!

What is called separation in England is far less rigid and complete than in Pennsylvania. The prisoners are often and for long periods brought together in the corridors, chapel, school-room, and exercise-yards, and though there is usually some mummery of masks, veils, and partitioned stalls to prevent them from seeing each other, their ears are open, they can hear footsteps and conversation, and thus the oppressive sense of utter loneliness and the monotony of a solitary cell are materially alleviated. So, also, the British "silent system" is quite unlike what goes by that name in the United States. Here the prisoners are *invariably* separated from each other by night, being locked up from sunset to sunrise in their solitary cells, with no more power during that time of communicating with each other than if they were in the Philadelphia prison; there they usually sleep together in great dormitories, and though wardens sit in them all night, yet, as might be expected, the wardens often sleep and the prisoners wake. Thus, the governor of the Coldbath Fields House of Correction testified strongly, before a committee of the House of Lords, last spring, in favor of the silent system as administered in his institution, where the convicts



sleep, on an average, twenty in the same apartment. The daily average number of convicts at Coldbath Fields is 1,100. The governor said, "We have an associated silent system *carried out very rigidly*"; and again, "*I have looked into that question very narrowly, and I cannot find one single instance in which mental disease has arisen from our system.*" The following extracts from the testimony of this gentleman, G. L. Chesterton, Esq., are also instructive.

"I do not believe that prisoners can undergo solitary confinement for a month at a time without injury." \*

"The separate confinement of Pentonville prison I am perfectly acquainted with, because I have been there to see it. Our separation is of a different kind, ours is the silent system; the prisoners work in large bodies, but are not allowed to communicate with each other."

"You consider that the Pentonville separation is more complete than yours?"

"Yes; the separation is more complete, but I doubt whether the good effects are greater than ours."

We present the following extracts, also, from the testimony, given last April, of Mr. Edward Shepherd, the governor of the House of Correction at Wakefield, where there are usually 550 convicts.

"How did you carry out the silent system? had you separate cells for each prisoner, or were there more than one in a cell?"

"300 of the prisoners were in separate cells; 200 were in one large room; and the remainder in perhaps three other rooms, a little smaller; one room had 76, and the other had 90, I think."

"You had then an opportunity of judging of the improvement of the men under the silent system; did you see any difference

---

\* Captain W. J. Williams, who had been a prison inspector for twelve years, testified as follows before the Lords last March.

"Solitary confinement now is very different from what it was; solitary confinement now is merely separate confinement; there is no real distinction now between solitary and separate. I drew out the rule myself, which the Secretary of State approved of, detailing in what way solitary confinement should be carried into effect. . . . Now they are all treated in the same way as prisoners in separate confinement; it is a mere withdrawal of them from each other."

"I think the law abridges solitary confinement very properly to not more than a month at a time. Whether so long a time as a month would be safe will very much depend upon the individual; and if the prisoner is visited daily by the surgeon and the chaplain, I do not think there will be much danger."

in the men who were in the separate cells under the separate system from the men who were in this large hall of which you have spoken ? ”

“ *No difference whatever.* ”

“ You believe that the separate system is better than the silent system, do you not ? ”

“ I think so ; but I am not able to judge of the separate system, for it has not been completely carried out. Though the prisoners are in separate cells, and confined separately, they meet together in one hall for divine service, though at a much greater distance certainly from one another than formerly. ”

“ Do you think that the separate or silent system is injurious to the mental or moral health of the prisoners ? ”

“ That the silent system is not, I am clear. The separate system has been so short a time in operation in our prison that I am not able to say. I am not so prepossessed in its favor as to say that it may not be injurious. ”

Is it not absurd, then, to quote European *opinions* as authoritative on this subject in America, when it is evident that the Transatlantic use of the terms “ separate system ” and “ silent system ” is radically different from our own ? We say *radically*, because instruction under the separate system in Europe is always social in respect of *hearing*, though not of *seeing*, while at Philadelphia, instruction — what there is of it — is always solitary ; the “ moral instructor ” on Sundays, for instance, stands in a gloomy corridor, and preaches to a congregation of stone walls and iron doors, without seeing one of his hearers. There, also, the separate system is applied only for short terms ; while in Pennsylvania, 13 *per cent.* of the prisoners are confined for periods exceeding three years, some of them being as high as ten years. In America, too, as we have already said, solitary confinement by night is always practised under the silent system, while it very seldom is so in England. But for the benefit of those who have neither eyes to see nor ears to hear any thing on this matter of prison discipline except it be of European origin, though prison reform commenced at least a dozen years earlier on this side of the ocean, and though nearly all the nations of Europe have sent commissioners hither to learn of us how to manage their convicts, — for the benefit of these Anglomaniacs, we will give a few more quotations from the evidence taken by a committee of the House of Lords last spring.

Captain Hall, the governor of Parkhurst prison, testified that the boys on their first arrival were placed in a probationary ward, in separate confinement, for at least four months ; but even while there, their isolation was by no means complete. "A boy is taken out several times from his cell in the course of the day ; twenty minutes in the morning to wash him, shortly afterwards an hour to go to the chapel, an hour and a half for exercise, at school for two hours, and at evening prayers for fifteen minutes. During that time he sees the other boys, but cannot speak to them." They take their meals in solitude, while in the probationary ward ; afterwards, they take them together, 360 in a large hall. After their probation, also, they are allowed, several times a day, to walk about in the yards together, to talk with each other, to play at leapfrog and the like. From 100 to 200 boys are associated in this way, three or four wardens being always present to prevent disturbance, fighting, or improper language.

Sergeant Adams, a barrister of thirty-five years' standing, who has had peculiar opportunities of seeing and sharing in the administration of criminal law, testified as follows, having visited Parkhurst only three weeks before.

"They have forty solitary cells, and every child who is sent to Parkhurst is locked up in one of these cells for four months after he goes. I call it *solitary* ; perhaps the word *separate* is the term used ; but it is solitary in this respect, that he is there for the whole 24 hours, with the exception of when he is at chapel, and two hours when he is at school, where he is in such a pen that he can see nobody but the minister. His sole employment is knitting and reading good books. . . . It seems to me that it can only make them sullen. . . . The system of solitary confinement operates very differently indeed upon different children. In some it produces, not actual insanity, but great mental irritation ; others care little about it. . . . I understand it is found useful, if I may use the term, in taming the boys ; and that there is much less difficulty in reducing them to obedience afterwards than there was before the cells were in use. If so, it is a strong proof of the effect of solitary confinement on the human mind."

After admitting that the separate system, as carried out in America, has caused insanity to a fearful extent, he says : —

"I much doubt whether, as carried out in this country, it does cause insanity ; but from all I can learn, I believe it produces such a prostration of the energy of the mind as to make its sub-

jects mere docile, harmless creatures, though still in possession of their senses."

"At the end of a long period, say 12 months, do you consider that they are deficient in energy to earn their bread?" "I think they are; from all I can learn, that appears to be the result."

M. D. Hill, Esq., Recorder of Birmingham, a favorer of separate confinement, after admitting that 18 months is too long a period for any one to be subjected to it, says, — "I quite agree, that when it is continued too long, there does seem, in the majority of cases, to be an unfavorable effect produced both upon the physical man and upon the mental man. I do not think it amounts to producing insanity, but it appears to have a tendency to weaken the mind and the will; to weaken the will in particular."

Captain Maconochie, who had been for four years governor of the penal settlement of Norfolk island, where he had over 1,500 convicts under his care the whole time, says, that no one can visit Pentonville prison without seeing in what way a person confined there is injured; that the energies both of his mind and body seem to be prostrated.

"It is my opinion from the look; there is a pasty, white, subdued look. I have been much in the habit of scanning men in that way, and forming an estimate of what they are, both morally and physically, from their external appearance."

"I think two years' separation will make a man so enfeebled, both in mental and physical energy, that he will with very great difficulty indeed be recovered, if he does not even run the risk of his life."

Rev. W. C. Osborn, chaplain of Bath jail, thought "that six months would be long enough for a total separate confinement," and feared an injurious effect upon the health of the prisoners from a longer time. He said, "The change from separate confinement to entire liberty is too great," and that a mode of preparing them gradually for association with society would be extremely desirable.

The prisoners in Bath jail "are brought into the chapel in classes, varying from 8 to 12, under the schoolmaster; then I have classes myself of all the prisoners, to examine them as to the knowledge they have obtained under the schoolmaster's teaching. While in class, as when in the chapel during divine service, they are in separate boxes and unable to see each other."

Rev. J. Kingsmill, for four years chaplain at Pentonville, describes the case of one very determined and skilful offender, who had been engaged in all species of successful robberies, and was called by the officers "the Jack Sheppard of Pentonville," and who was reformed by the discipline at that place.

"He paid great attention to religious instruction, and submitted his mind completely to the counsels we gave him, *and he actually tried to reform the next prisoner in the adjoining cell by his communications*; that was a proof of his improved character, and the attempt was to be tolerated under his great feeling."

Mr. Kingsmill thought the Pentonville system should not be tried

"beyond 12 or 15 months, and not for that period with some. I should not like to see 6 months' separation tried upon a certain condition of men; but that would be a very small exception."

"I cannot say what part is affected; but I have seen some persons with very weak minds indeed in some cases almost immediately disturbed, and so uneasy and restless, and not giving attention to books, or religion, or trade, or any thing else, that I should certainly dispose of them at once; they are not fit for Pentonville. If the mind does not engage in some object with us, I consider that there is danger; or if it is a very active mind, and has not food for its activity."

Rev. John Clay, chaplain of Preston prison, says that the system of separation was adopted there two and a half years ago, and his testimony in favor of the system is perhaps stronger than that of any person who was examined. But his evidence shows that the system was greatly modified. For instance, —

"We have working in the open air, and have always had it with respect to a certain portion. We are taking down buildings, and 20 or 30 men are working in the open air, entirely separated from the possibility of communication with each other, and under the *surveillance* of the officers."

"If I or the governor see the slightest symptoms of depression of spirits, which we seldom do, we take the man out, and put him to a little gentle labor; to clearing the corridor, for instance, or the outside of the place; he does not know the motive for it."

Capt. W. J. Williams, who had been a prison inspector for twelve years, testified that he had examined the prison at

Preston, of which Mr. Clay is chaplain, and that there was "a separation of the convicts there to a certain extent, but not to the same extent as at Pentonville." When asked if the prisoners at Preston worked without any communication with each other, he said, "A portion of the prisoners do, and a portion do not."

"At Wakefield, the separate system has nearer approached its model at Pentonville than at Preston; but it was obliged to be dropped on account of the health of the boys suffering from it. The boys were put in close separate confinement at first, and afterwards, on their suffering from debility and contraction of the joints, it was obliged to be relaxed, and the boys were permitted to play at leapfrog, and enjoy similar recreations; since which, the authorities have not returned to the former system, and the boys therefore have their play-hours every day."

When asked if the separate confinement affected the minds of the boys at Wakefield, making them sluggish or feeble-minded, he replied:—

"That I cannot say, because it was not persevered in. Directly these premonitory symptoms, as I may call them, showed themselves, the system was modified; but that there was danger to the mind under those circumstances, there can be no doubt."

The following is an extract from the evidence of Sir Peter Lawrie, who has long presided in one of the criminal courts in London, and has had "very considerable experience of the silent system, as a visiting magistrate." In regard to the separate system, he said:—

"I have very carefully examined all the Reports upon the subject, but I have not personally inspected any prisons in which that system was adopted, because I considered that the opinions of the inspectors of the prison were less liable to mistake than the opinions of a person making a cursory examination."

When asked if he thought that the silent system had an injurious effect on the health of the prisoners, he replied:—

"I do not think it produces any prejudicial effect. I think it works remarkably well. I think the silent system the best system of imprisonment we can possibly have, provided separation is effected at night."

"In the prisons that you have inspected, you have the means of separating the prisoners at night?"

"Not so fully as could be wished, but to a very considerable

extent. I think every prisoner ought to have a separate sleeping room."

"Though you have had no personal experience, what is your opinion upon the separate system? Do you think it hurtful to the mind?"

"Judging from the Reports, I should say that the evidence shows that it is exceedingly dangerous to mental health; and I think it is a failure, as regards the reformation of prisoners."

"Do you think the silent system has an advantage, looking to the reformatory effect?"

"I do, because there is the effect of example."

But we have given testimony enough to prove, that the *experience* of England, as far as it goes, is as fatal as that of America to the continuance of the separate system; and even that public *opinion* in the former country is rapidly coming round to a conviction of its pernicious and inhuman consequences. In the United States, the question is virtually settled by the appearance of Mr. Gray's pamphlet; for we cannot believe that even Pennsylvania will any longer allow the prison at Philadelphia, with its annual train of horrors, to cast an opprobrium on the justice and humanity of the State.

---

ART. VI. — *A Report on the Trees and Shrubs growing naturally in the Forests of Massachusetts*. [By GEORGE B. EMERSON.] Published agreeably to an Order of the Legislature, by the Commissioners on the Zoölogical and Botanical Survey of the State. Boston. 1846. 8vo. pp. 547.

It would be difficult to find a more provident and thrifty people than those who have rather oddly come to be distinguished, some would say stigmatized, among their fellow-republicans by the title of Yankees. The union of shrewdness, industry, invention, and economy, which forms the Yankee character, is the more remarkable as it is not the offspring of necessity. That pinching poverty, whose stern laws of frugality hardly suffice to keep starvation at bay, is here unknown and almost inconceivable. If sometimes dis-